

Notice of Allowability

Application No.

10/092,259

Examiner

Belix M. Ortiz

Applicant(s)

ROBERTS ET AL.

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Decision of the Board on 8/14/2007.

2. ☒ The allowed claim(s) is/are 1-19.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

CHARLES RONES

SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Remarks

1. In response to communications files on February 24, 2006. Therefore, claims 1-19 are presently pending in the application.

Reasons for Allowance

2. Claims 1-19 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter: the prior arts of records, neither anticipates nor renders obvious the following limitations as claimed:

As to claim 1, the prior art of records fail to anticipate or suggest a system for configuring handheld devices, comprising:

a website engine, for receiving user input;

a build-to-order configuration engine for communicating with developers, coordinating software licensing, arranging software downloads and preventing conflicts;

a database engine, for managing executable code and data responsive to said configuration engine, and

a loading station for performing the actual downloads;

wherein said loading station loads said handheld device based on user input received through said website engine and conveyed to said data base and build-to-order configuration engines, together with the other limitations of the independent claims.

Art Unit: 2164

As to claim 19, the prior art of records fail to anticipate or suggest a method of loading software onto a handheld device, comprising:

querying a build-to-order configuration engine to ensure sufficient memory is available to accommodate said software, that the desired software has no conflicts with any other software desired by said user, and that the handheld device O/S (Operating System) can accommodate said software;

querying said handheld device to ensure sufficient memory is available, and reporting an error back to said user if necessary;

if necessary, prompting a user to order additional memory such as on a memory card; and locating said software program on said memory card where possible, together with the other limitations of the independent claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on moday-friday 9am-5pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2164

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bmo

November 15, 2007


CHARLES RONES
SUPERVISORY PATENT EXAMINER